

APPROVED

JOINT VILLAGE/TOWN OF CLAYTON

PLANNING BOARD

November 5, 2020

The meeting opened at 7:04 pm with the pledge of allegiance. **Members present** included Vice Chairman Fred Bach, Kevin Patchen (alternate), Therese Christensen, Duane Hazelton, and Dave Crandall. Absent were Doug Rogers, Pat Dewey, and Paul Heckmann. Kevin Patchen was designated to stand in for Paul Heckmann.

Also Present: ZEO Richard Ingerson, Recording Clerk Sue Kenney

Townpeople Present: *don't have that list*

At 7:05 pm, the minutes from the October 1 meeting were reviewed. One correction was noted. **MOTION** was made by Therese Christensen, second by Dave Crandall, to accept the minutes as corrected. Motion was passed with all in favor.

7:06 PM – COMMUNICATIONS

1. It was noted that Kevin Patchen is standing in for Paul Heckmann.
2. Solar Project: all the pertinent information should be in members' mailboxes. Kevin Patchen has looked it over and found no issues. Fred Back stated that there needs to be an adequate foundation so that in the case of a fire followed by rain, there would be no seepage. Dave Crandall stated that he has not yet received the packet of information, and also asked how usage of the solar arrays would be documented. Another member wanted to know the status of finding a third party consultant to go over the project. Rob Company, a member of the audience, said that NextEra had agreed to pay for a third party consultant. Board Chairman Rogers has had a dialog with EDR and their engineers concerning a third party consult and is awaiting a response. When asked about the time frame for the project, Mr. Company said that NextEra is going ahead with construction on the Town of Orleans site and is hoping to get going on the Town of Clayton site. Fred Bach said that the board hopes to have a decision within a week or two.

7:15 pm – Marla Cohen – Bayside Marina – Village – adding additional cottages to an existing mobile home park and marina.

This is a continuation of the public hearing left open at the October meeting. Marla Cohen did most of the presenting, with comments from her son Ryan. She offered the plans which had been completely reengineered four and a half years ago, which were reapproved by the board at that time. The Cohens would put the cottage colony on the same site as the mobile home park; the cottages would be built to look like the mobile homes, with similar exteriors, identical roof pitch, and corresponding building footprint. Ms. Cohen also produced a plan showing that the park was more than 100 feet from the wetlands. Vice Chairman Bach said that the board primarily wanted to make sure the wetland setback was being met, and also that agreements made by the Cohens were being met. Ms. Cohen stated that a road wider than 12 feet had been built and would be adequate for emergency vehicles if necessary. Mr. Cohen added that the site had been cleaned up as requested.

Joan Bارسis, from the audience, stated that she was a resident in the mobile home park. She further asserted that the current plans were not approved four and a half years ago. She was assured by Vice Chairman Bach that this hearing is only for approval of a cottage colony.

Another person from the audience, Linda Barone, said that one of the conditions had been the construction of a privacy fence on their boundary with the mobile home park, and this had not been done. Ms. Cohen stated that the fence is currently being taken care of. ZEO Ingerson said that more work needed to be done on parking spaces. Ms. Barone asked for clarity on how these new units would be used, whether short-term or long-term. Ms. Cohen said that there is nothing in the signed agreements they have with mobile home owners or potential cottage owners to either stop or approve short-term rentals. Ms. Barsis noted that she has sublet permission in her lease. Ms. Cohen stated that if a cottage is built but no one purchases it, she and her husband, as owners, have the right to rent out. She added that it is not fair to deny subletting to those who have already purchased a unit.

Vice Chairman Back noted that cottages are better than mobile homes, and asked if the board could make a condition to deny any short-term leases. In answer to a question, Ms. Cohen noted that cottage colonies are an approved use in that district (Marine Development) and that the cottages will be suitable for year-round occupancy. ZEO Ingerson stated that the Cohens could place any limitations they want on potential buyers or lessees, including for example dictating that there will be no undue noise after a specific hour.

Board member Crandall said that he did not see how a cottage colony could be put in that site if others have previously bought mobile homes in the same park. He also stated that he did not see on the plans offered by Ms. Cohen the information that had been requested at the last meeting, such as elevations, topography, etc. Vice Chairman Bach also noted that there was no engineer seal on the plans offered, which was another request from the last meeting. Ms. Cohen stated that the engineer was Vance Carpenter, but the plans had not been stamped.

Vice Chairman Bach restated that this hearing is to decide on whether to add cottages to the existing mobile homes. In answer to a question about whether the units would be identical, ZEO Ingerson said that they would have to be the same size and roof pitch as the mobile homes. Ms. Cohen said that they might change exterior colors or interior floor plans, but otherwise they would be identical. Board member Crandall declared that he had driven through the site and was concerned about how well the property was being taken care of. He also restated that there are no documents showing what is being built. Ms. Cohen stated that the sites were already approved 18 years ago and asked why they cannot just add the cottages. She showed an engineer's drawing for the original plan, which the health department had insisted be done.

Mr. from the audience queried about parking and the spot that was to be planted with grass, in particular gravel for the easement. Board member Christensen asked if the boats were going to be moved. Mr. Ryan Cohen said that they are waiting for the land to be dry enough for a large hydraulic unit to be brought in. Ms. Cohen stated that there will be no changes in parking or lighting for the park.

At 7:56 pm, **MOTION** was made by Kevin Patchen (sitting in for Paul Heckmann), second by Duane Hazelton, to close the public hearing. Motion was passed with all in favor.

Board member Crandall stated that the drawings produced so far are not what is necessary for a site plan review. Those necessary documents are listed on the application. There should be a drawing made specifically for this application. If the Cohens need a waiver from certain requirements, they should ask the Planning Board. Member Crandall cautioned that if the board does not demand all that is needed for each application, they could lay themselves open for a lawsuit. Vice Chairman Bach noted that the problem is not so much adding the cottages, it is that stipulated conditions are not being met.

At 8:03 pm, Vice Chairman Back did SEQR. At 8:08 pm, **MOTION** was made by Duane Hazelton, second by Kevin Patchen (sitting in for Paul Heckmann), to declare that this application will not result in significant environmental impact. Motion was passed with all in favor.

Vice Chairman Back canvassed the board for any conditions they would want to see added, as well as their vote on the application as presented. Members Rogers, Heckmann, and Dewey were absent and unavailable for a response.

Board member Crandall: deny the application. Conditions: that documents presented duplicate what is in the application requirements, including a topographical map or drawing and signed engineered drawings, or that the applicants ask the board for a waiver.

Vice Chairman Bach: approve the application. Conditions: that the dimensions of the cottages need to be the same as the mobile homes, with no change in height, and the exact same footprint; that the applicants must follow all previously agreed-upon guidelines; that there is a noise ordinance enforced; and to make sure that all lanes are kept open.

Board member Christensen: approve the application. No conditions.

Board member Hazelton: approve the application. No conditions.

Board member Patchen (sitting in for Heckmann): approve the application. Conditions the same as listed by the vice chairman.

At 8:23 pm, **MOTION** was made by Kevin Patchen (sitting in for Paul Heckmann), second by Duane Hazelton, that the application be approved with the above stated conditions, and the notation that within the approval is the understanding that either mobile homes or cottages will be acceptable on all lots.

Aye: Bach, Christensen, Hazelton, Patchen (sitting in for Heckmann)

Nay: Crandall

Abstain: none

Absent: Rogers, Heckmann, Dewey

8:25 pm – RJ Marine Ltd. – Village – pre-application hearing to improve two docks

Rob Company did the presenting. He stated that the project is designed to address loss of access to parts of the property and facilities due to the high water experienced in 2017 and again in 2019. There are two docks at RJ Marine, one of them concrete, the other one longer and housing the gas tanks. There are three separate projects, stages within the overall project. (1) Sheet piling will be added to stabilize the shore and raise the grade. (2) The parking lot will be raised and the fuel tanks relocated further from the water's edge. There will be a change in the elevation of the retaining wall, and railing will be added. (3) The second dock will be raised about one foot. The new fuel tanks will be fire-rated and double-walled, with no dike. The current tanks are single-walled with a dike. There will be 15 feet of separation between the tanks and the road; Mr. Company said they are hoping to keep the tanks as close to the sidewalk as possible. They have no intent to circumvent code.

The applicant has not yet gone through the LWRP; Mr. Company will be submitting plans for that. The project will be approved with the previous approval of the DEC.

In answer to a question, Mr. Company stated that the retaining wall would probably be constructed of stacked stone, although he will investigate other options in a more urban style, such as poured concrete with a nice cap. The tank will not be below street level; it will be above the sidewalk. The retaining wall will probably be around 3 to 4 feet above street level.

8:43 pm – Robert and Judy Pinchin – Village – site plan review for using an existing structure to expand a cottage colony.

Ms. Pinchin did the presenting. There is an existing building currently used for storage, that they will partially convert into a cottage. The application has already gone to the Zoning Board of Appeals, and a variance has been approved by

that board. Ms. Pinchin had sketches of the existing buildings. In answer to a question, she said there would be landscaping.

At 8:48 pm, **MOTION** was made by Therese Christensen, second by Dave Crandall, to open the public hearing. Motion was passed with all in favor. Ms. Cohen from the audience asked how close to the sidewalk the proposed cottage is, and was told it is between 4 and 4½ feet from the sidewalk. Ms. Pinchin reaffirmed that there will be no buildings added, there is only the one that will be renovated.

At 8:51 pm, **MOTION** was made by Duane Hazelton, second by Therese Christensen, to close the public hearing. Motion was passed with all in favor.

Vice Chairman Bach went through SEQR. At 8:54 pm, **MOTION** was made by Dave Crandall, second by Kevin Patchen (sitting in for Paul Heckmann), to declare this a negative declaration, with no adverse environmental impact. Motion was passed with all in favor.

Vice Chairman Bach read a letter from the Jefferson County Planning Board. The board had not had a quorum at their last meeting. The letter did note that no parking was shown on the plans presented to them, and that the board should make sure all local ordinances were met, and should also consider a condition of supplying landscape plans and having a noise buffer on all sides. Ms. Pinchin pointed out the parking spot shown on the map, on the southwest side of the building, coming down the driveway to the right side of the house. She added that the cottage will face into the property, so all activity will be inside the property. Vice Chairman Bach stated that he did not deem a noise buffer necessary, but suggested a condition of no significant noise after 10 pm.

At 9:04 pm, **MOTION** was made by Duane Hazelton, second by Kevin Patchen (sitting in for Paul Heckmann), to approve the application with the condition that there be no significant noise after 10 pm.

Aye: Bach, Crandall, Hazelton, Christensen, Patchen (sitting in for Heckmann)

Nay: none

Abstain: none

Absent: Rogers, Heckmann, Dewey

At 9:05 pm, Vice Chairman Bach noted that the scheduled hearing for David Stilley is adjourned to the next meeting.

9:06 pm – Matthew Hardy – Village – site plan review for construction of two decks

ZEO Ingerson said that the only change is the placement of the stairway. The area is all fenced in. This construction is under 500 ft². The engineered plans were done by Tectonics and will be stamped as long as this application is approved. There were no issues from the board members. ZEO Ingerson noted that there is no setback in that district.

At 9:12 pm, **MOTION** was made by Dave Crandall, second by Therese Christensen, to open the public hearing. Motion was passed with all in favor. There were no comments from the public. **MOTION** was made by Duane Hazelton, second by Therese Christensen, to close the public hearing. Motion was passed with all in favor.

Vice Chairman Bach went through the SEQR. At 9:16 pm, **MOTION** was made by Kevin Patchen (sitting in for Paul Heckmann), second by Dave Crandall, to declare this a negative declaration, with no environmental impact. Motion was passed with all in favor.

Vice Chairman Bach canvassed the board members to see if they wished to add any conditions. Board member Crandall would approve the application with the condition that the plans were stamped and signed. The other members canvassed would approve with no other conditions.

At 9:18 pm, **MOTION** was made by Therese Christensen, second by Duane Hazelton, to approve the application with the condition that the plans were stamped and signed.

Aye: Bach, Crandall, Hazelton, Christensen, Patchen (sitting in for Heckmann)

Nay: none

Abstain: none

Absent: Rogers, Heckmann, Dewey

9:20 pm – Picton LLC – Town – pre-application hearing for a special use permit to expand a multi-use boathouse

Steve Taylor, designer of the project, did the presenting. The current boathouse, with living quarters above, is 100 years old and needs updating. The family wishes to move back to the house on that property, and to expand and upgrade both house and boathouse. The proposed plans for the boathouse would keep the same footprint toward the river while expanding back toward the land side. The property spans Murray Isle, with docks on both sides; the north dock is the one in question. All necessary applications are in and being processed, including the OGS (NYS Office of General Services), the Army Corps of Engineers, and the DEC. They still need a building permit. The boathouse currently has a living room in the center with bedrooms at both ends, as well as a small kitchen and bath. The plan is to make that current space all living room, and add the bedrooms, kitchen, and bath going shoreward. The current structure is 36 ft. by 16 ft.; Mr. Taylor thinks the structure would end up at around 1360 ft². He stated his belief that the project should not need a variance since it is not expanding toward the river.

There was some discussion about the legality of allowing a building that encroaches on a front yard setback. The chairman of the ZBA, Jim Kenney, was asked for his input; he stated that as long as the boathouse is currently conforming to the zoning code, a variance would not be needed. Without a variance, the board cannot approve a nonconforming structure. ZEO Ingerson noted that the code says boathouses should not have kitchen facilities. The current structure has been grandfathered in, since it was built before zoning, but if there is new construction, that grandfathering is gone. A variance is needed. ZEO Ingerson said that the next ZBA meeting is November 16, and he was doubtful that he could get the legal announcement to the newspaper in time for that next meeting, but would try anyway, if Mr. Taylor brought the necessary paperwork into the zoning office first thing the next morning, since Mr. Taylor hopes to get started with the project as soon as possible.

At 9:58 pm, **MOTION** was made by Therese Christensen, second by Kevin Patchen (sitting in for Paul Heckmann), to adjourn this pre-application to the December 3 meeting. Motion was passed with all in favor.

At 9:59 pm, **MOTION** was made by Therese Christensen, second by Kevin Patchen (sitting in for Paul Heckmann), to adjourn the meeting. Motion was passed with all in favor.

Respectfully Submitted,

Susan Kenney, Recording Clerk